

REMARKS/ARGUMENTS

Amendments to the drawings have not been made in light of the fact that the Claims requiring the drawing changes have been cancelled.

The Examiner has rejected claims 1-17 under 35 U.S.C. 112, second paragraph. The Examiner has stated that "it appears that the top surface does not have a sealed cavity instead of an open cavity." It appears that the Examiner is attempting to communicate that the sealed cavity, referenced as "sealed cavity 2" in the specification and the drawings, is in fact an open cavity. Applicant can see no evidence of this anywhere in the disclosure of the application. Applicant points to Figure 5, which clearly points out sealed cavity 2 of which no part is shown to be anything but sealed. As a result, Applicant argues that this rejection be lifted or further clarified as applicable.

With regard to the rejection under 35 U.S.C. 102, it is first noted that Bartell, et al., U.S. Patent No. 4,889,236 discloses a medication package that includes a plurality of pockets for containing medication. See Bartell, Col. 4, Lines 47-48. With regard to Claim 8, it is noted that the medication card disclosed by Bartell could in no way contain a tube of medicament, it is physically impossible. In response to the Examiner's additional arguments, it will be noted that the respective claims have either been amended or cancelled.

The Examiner has rejected Claims 12-15 and 17 under 35 U.S.C. 103(a) over Bartell in view of Mattis, U.S. Patent Application Pub. No. 2002/0066690, and further in view of Roberston, U.S. Patent No. 6,516,950. With respect to Claim 12, the present invention is specifically limited to a card that has a thickness less than or equal to that of

a credit card. The Examiner's claim that Mattis suggests a pill case having the dimensions approximately of a credit card may be debatable, but even so, "dimensions approximately of a credit card" are not sufficient to render Applicant's invention obvious. Specifically, all of the prior art patents have a thickness that includes the thickness of the medication in addition to the cavities that seal them. In contrast, the portion of Applicant's invention that must be compared to the dimensions of a credit card are those of the lower portion, not including the sealed cavity. This is apparent from Figure 5. Although a change in size is generally recognized as within the level of ordinary skill, this is not a general case because the size is of critical importance, and the size applies only to a critical portion of the overall invention. As a result, none of the prior art cited, alone or in combination, is capable of rendering Applicant's invention obvious within the meaning of 35 U.S.C. 103.

In addition, although Claims 13 and 14 might be obvious if they were independent claims, the fact that they are dependent on Claim 12, with all of Claim 12's limitations, renders Claims 13 and 14 patentable despite the combination of the prior art cited by the Examiner.

With respect to Claim 15, none of the prior art patents suggest combining advertisements or other non-medication related messages and indicia on the medication carrier. Therefore, Claim 15 can not be rejected under 35 U.S.C. 103(a) in light of the prior art cited.

With regard to Claim 17, the Examiner has made no reference to any relevant sections of the prior art that would render the claim obvious. Applicant argues that this is

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because none of the prior art cited includes sealing mechanisms as claimed, and therefore Claim 17 is not obvious.

Reconsideration and further examination is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 12-0115.

In the event that an extension of time is required to file this response, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 12-0115.

Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Patrick D. Archibald, Applicant's Attorney at (617) 720-0091 so that such issues may be resolved as expeditiously as possible.

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For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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